

REMARKS

Claims 1-17 are pending in the application. Claims 1 and 8 have been amended to include the limitations of claim 2 and claim 2 has been canceled. No new matter has been added.

Claim Rejections Under 35 USC § 103

Claim 1 – 17 are improperly rejected under 35 U.S.C. 103(a) as being allegedly obvious over “XML in a Content Infrastructure: Conducting Business on the Web”, copyright 2001, Interwoven (“Interwoven”) in view of “XSLT for Tailored Access to a Digital Video Library”, copyright 2001, ACM to Christel *et al.* (“Christel”) (Patent No. 6,871,321). In view of the amendments and the remarks provided herein, reconsideration and withdrawal of the rejections is respectfully requested.

To establish a *prima facie* case of obviousness, the Examiner must meet three criteria. MPEP § 2143. First, there must be suggestion or motivation to modify the references or to combine the reference teachings. *In re Rouffet*, 149 F.3d 1350 (Fed. Cir. 1998). Second, there must be a reasonable expectation of success. *In re Merck & Co.*, 800 F.2d 1091 (Fed. Cir. 1986). Third, the prior art references must teach or suggest all the limitations of the Applicant’s claim. *In re Royka*, 490 F.2d 981 (CCPA 1974).

Christel is directed to a digital video library migrated to XML and XSLT for delivery through web-browsers. Specifically, Christel is directed to a method of automatically creating surrogates (abstracts or metadata) for video files to facilitate

searching. (Page 291, Col. 1, Paragraph 2. Because Christel is directed to generating metadata specifically for cataloging video files, this reference fails to contemplate enabling a user to customize the metadata. Instead, Christel actually teaches away from user customization stating, “[a]n idealistic vision is to have a standard video metadata scheme.”

Further, the Examiner’s assertion that it was well known in the art to use the Dublin Core framework for signifying whether a field is optional or searchable or both is factually inaccurate. The Dublin Core framework is a standard metadata element set that comprises 15 elements: Title, Subject, Description, Type, Source, Relation, Coverage, Creator, Publisher, Contributor, Rights, Date, Format, Identifier, and Language. The Dublin Core also contemplates a number of qualifiers that refine the semantics of the elements in useful ways. Significantly, none of the qualifiers specifies whether or not a particular element is optional or searchable. While a particular element may be optional or repeated in a particular application, the Dublin Core fails to teach or suggest adding a specifier to so that a user can denote whether a specific element is searchable or optional. (See “Dublin Core Metadata Initiative” at <http://dublincore.org/documents/usageguide>).

Similarly, Interwoven is directed to a content infrastructure system. Specifically, Interwoven is directed to software that allows businesses to capture, manage, leverage and distribute content in a collaborative fashion, both within and without the enterprise. However, Interwoven specifically teaches away from user customization stating, “a repository must use a consistent document model to interoperate with all of the different

types of content.” (Page 12, Paragraph 3.5). Interwoven further cites the PRISM standard for storing content. The PRISM standard is a universal set of metadata attributes for magazine, news, catalog, book and mainstream journal content that requires, “the use of a single, industry-standard format.” (See <http://www.prismstandard.org/about/executiveoverview.asp>)

By contrast, independent claims 1 and 8 as amended recite, “a specifier to signify at least one of (a) whether a field is optional or searchable or both or (b) whether an asset can be handled by a media player through the browser.” This feature allows a user to customize the metadata by defining the specific metadata fields they are interested in for each type of asset. Moreover, customization is further emphasized in dependent claim 7 that recites, “a designator indicative of which fields should be displayed to a user.” This customization provides a significant advantage over both Christel and Interwoven because it allows users to decide how they want to index and display their assets.

Because customization as disclosed in claims 1 and 8 is not taught or suggested in the cited references, claims 1 and 8 are readily patentable over them. *In re Royka*, 490 F.2d 981. Moreover, because claims 2-7 and 9-17 depend from nonobvious independent claims, they are also nonobvious. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the obviousness rejections should be withdrawn.

If the Examiner has any questions relating to this response or the application in general she is respectfully requested to contact the undersigned so that prosecution may be expedited.

If necessary, please charge any deficiency in fees or credit any overpayments to
Deposit Account No. **04-1679** (Docket SEQ03 006)

Respectfully submitted,



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